

OPEN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document #

115

USA

USCA NO. 08-3129-cr

SDNY NO. 06-cr-1014-5

JUDGE: AKH

DATE: 7/1/08

-v-

~~EDWIN~~ Edwin Henriquez

INDEX TO THE RECORD ON APPEAL

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DISTRICT COURT DOCKET ENTRIES

DOCUMENTS

DOC#

Clerk's Certificate

See Attached List of Numbered Documents

Only Circled Documents Included

(☒) Original Record

(☐) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A
for the Second Circuit on the 15th Day of July, 2008.

United States District Court for
the Southern District of New York

USA

-v-

Edwin Henriquez

Date: 7/1/08

U.S.C.A. # 08-3129-CR

U.S.D.C. # 06-CR-1017-5

D.C. JUDGE: AKH

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 114, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 1st Day of July In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 232nd year.

J. Michael McMahon, Clerk

By 
Deputy Clerk

APPEAL

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CRIMINAL DOCKET FOR CASE #: 1:06-cr-01014-AKH-5
Internal Use Only

Case title: USA v. Martinez

Date Filed: 12/28/2006

Date Terminated: 06/18/2008

Date Filed	#	Docket Text
01/04/2007	<u>62</u>	S(4) INDICTMENT FILED as to Carlos Henriquez (5) count(s) 1, 2. [*** NOTE: Previously filed under seal on 1/5/07, Seal Envelope #1; unsealed on 9/10/07, see Order, doc.#61.***] (bw) (Entered: 09/14/2007)
01/04/2007	<u>69</u>	Arrest Warrant Returned Executed on 9/10/07 as to Carlos Henriquez. (jw) (Entered: 09/20/2007)
09/10/2007	<u>61</u>	ENDORSED LETTER as to Carlos Henriquez addressed to Judge Maas from AUSAs Reed Michael Brodsky/Marissa Mole dated 9/10/07 re: submitted to request that the Court unseal the Superseding Indictment S4-06-Cr-1014. JUDGE'S ENDORSEMENT: So Ordered. (Signed by Magistrate Judge Frank Maas on 9/10/07) [*** NOTE: Refer to unsealed documents, docs.#62,63, filed on 1/4/07. ***] (bw) (Entered: 09/14/2007)
09/10/2007		Arrest of Carlos Henriquez. [Refer to Disposition Sheet for proceeding held on 9/11/07] (bw) (Entered: 09/14/2007)
09/10/2007		Arrest of Carlos Henriquez. (jw) (Entered: 09/20/2007)
09/11/2007		Minute Entry on 'Disposition Sheet' for proceedings held before Magistrate Judge Gabriel W. Gorenstein :Initial Appearance as to (S4-06-Cr-1014-05) Carlos Henriquez held on 9/11/2007. AUSA Reed Brodsky; Defense Counsel Alex Eisemann (CJA); Proceeding - Rule 9. Bail Disposition: Detention. Detention Hearing scheduled at deft's request for 9/17/07 at noon. Deft arraigned, deft pleads Not Guilty. STA excluded to 9/17/07, interest of justice. (bw) (Entered: 09/14/2007)
09/11/2007		Minute Entry for proceedings held before Magistrate Judge Gabriel W. Gorenstein :Arraignment as to (S4-06-Cr-1014-) Carlos Henriquez (5) Count 1,2 held on 9/11/2007. (bw) (Entered: 09/14/2007)
09/11/2007		Minute Entry for proceedings held before Magistrate Judge Gabriel W. Gorenstein : Plea entered by (S4-06-Cr-1014-) Carlos Henriquez (5) Count 1,2 -- Not Guilty. (bw) (Entered: 09/14/2007)
09/11/2007		ORAL ORDER as to (S4-06-Cr-1014-05) Carlos Henriquez. Time excluded from 9/11/07 until 9/17/07. Detention Hearing set for 9/17/2007 at 12:00 PM before Magistrate Judge Gabriel W. Gorenstein. (bw) (Entered: 09/14/2007)
09/17/2007	<u>64</u>	CJA 23 Financial Affidavit by Carlos Henriquez. CJA Attorney Alex Eisemann. (Signed by Magistrate Judge Gabriel W. Gorenstein) (bw) (Entered: 09/17/2007)
09/17/2007	<u>68</u>	CJA 20 as to Carlos Henriquez: Appointment of Attorney Alexander Edward Eisemann for Carlos Henriquez.. (Signed by Judge Gabriel W. Gorenstein on 9/17/07) CJA office mailed original to the attorney and sent a copy to the file.(sao) (Entered: 09/20/2007)
09/17/2007		Minute Entry for proceedings held before Judge Frank Maas :Detention Hearing on Disposition Sheet as to Carlos Henriquez held on 9/17/2007. Deft present with atty Alex Eisenmann. AUSA Reed Brodsky present. Detention. (jw) (Entered: 09/20/2007)
09/17/2007		Minute Entry for proceedings held before Judge Alvin K. Hellerstein :Pretrial Conference as to Carlos Henriquez held on 9/17/2007. Deft present w/atty Alex Eisemann; AUSA Reed Brodsky present; Court reporter Pam Utter present; Next PTC is set for 10/2/07 at 10:00 a.m.; FPTC is set for 11/27/07 at 10:00 a.m.; Trial set for 12/3/07; Time excluded until 12/3/07, in the interest of justice; Deft continued remanded. (bw) (Entered: 09/24/2007)
09/17/2007		ORAL ORDER as to Carlos Henriquez. Time excluded from 9/17/07 until 12/3/07. Ready for Trial by 12/3/2007. Pretrial Conference set for 10/2/2007 at 10:00 AM before Judge Alvin K. Hellerstein. Status Conference set for 11/27/2007 at 10:00 AM before Judge Alvin K. Hellerstein. (bw) (Entered: 09/24/2007)
09/17/2007	<u>72</u>	ORDER OF DETENTION PENDING TRIAL as to Carlos Henriquez, aka Edwin Manuel Henriquez. (Signed by Judge Frank Maas on 9/17/07)(ja) (Entered: 09/27/2007)
09/24/2007	<u>71</u>	ORDER REGULATING PRETRIAL PROCEEDINGS as to Pedro Guzman, Carlos Henriquez. Trial commencement for both Pedro Guzman and Carlos Henriquez is hereby adjourned until 12/3/07 and time is excuded until then. The final Pretrial Conference scheduled for 10/31/07 will now be held on 11/27/2007 at 10:00 AM before Judge Alvin K. Hellerstein, and any motions in limine may be heard at that time. The Gov't will produce all materials required by the pretrial order, by Giglio v. U.S., 405 U.S. 150 (1972) and 18 U.S.C. Sec 3500 by the date of the final pretrial conference. SO ORDERED. (Signed by Judge Alvin K. Hellerstein on 9/21/07)(ja) (Entered: 09/24/2007)

10/02/2007		Minute Entry for proceedings held before Judge Alvin K. Hellerstein : Pretrial Conference as to Pedro Guzman, Carlos Henriquez held on 10/2/2007, as to Pedro Guzman, Carlos Henriquez; Pretrial Conference set for 11/26/2007 at 04:00 PM before Judge Alvin K. Hellerstein. Deft Henriquez present with atty Alex Eiseman; Deft Guzman is present with atty James Kousouros; Interpreter Mirta Hess present; Court reporter Sam Mauro present; FPTC is adjourned to 11/26/07 at 4:00pm. Trial previously set for 12/3/07; Time excluded until 12/3/07; Defts cont'd remanded. (jw) (Entered: 10/04/2007)
10/10/2007	<u>74</u>	ENDORSED LETTER as to Carlos Henriquez addressed to Judge Hellerstein from Attorney Alexander E. Eisemann dated 10/10/07 re: submitted to request that Mr. Eisemann be relieved and that Don D. Buchwald be substituted and appointed as deft Henriquez's counsel. ENDORSEMENT: So Ordered. (Signed by Judge Alvin K. Hellerstein on 10/10/07)(bw) (Entered: 10/11/2007)
10/10/2007		Attorney update in case as to Carlos Henriquez. Attorney Alexander Edward Eisemann terminated. (bw) (Entered: 10/11/2007)
10/11/2007	<u>76</u>	(S12) SUPERSEDING INDICTMENT FILED as to Pedro Guzman (3) count(s) 1ss, 2ss, 4ss, Carlos Henriquez (5) count(s) 1s, 3s, 5s. (ja) (Entered: 10/17/2007)
10/16/2007	<u>75</u>	NOTICE OF ATTORNEY APPEARANCE: Don D. Buchwald appearing for Carlos Henriquez. (Buchwald, Don) (Entered: 10/16/2007)
10/17/2007	<u>77</u>	ENDORSED LETTER as to Carlos Henriquez addressed to Judge Hellerstein from Alan R. Kaufman dated 10/16/07 re: Reschedule Briefing., as to Carlos Henriquez; Motions due by 11/8/2007. Deft Replies due by 11/21/2007. Government Responses due by 11/16/2007....ENDORSEMENT...SO ORDERED. (Signed by Judge Alvin K. Hellerstein on 10/16/07)(jw) (Entered: 10/17/2007)
10/30/2007	<u>82</u>	(S13) SUPERSEDING INDICTMENT FILED as to Pedro Guzman (3) count(s) 1sss, 2sss, 4sss, EDWIN HENRIQUEZ a/k/a Carlos Henriquez (5) count(s) 1ss, 3ss, 5ss. [Microfilmed on 11/1/07 at 3:00pm] (jw) (Entered: 11/05/2007)
11/06/2007	<u>84</u>	TRANSCRIPT of Proceedings as to Pedro Guzman, Carlos Henriquez held on 10/2/07 @ 10:15am before Judge Alvin K. Hellerstein. (pr) (Entered: 11/06/2007)
11/08/2007	<u>87</u>	MOTION for an order directing the Government to provide certain discovery and particulars to Henriquez and directing the Government to provide certain Brady materials to Henriquez. Document filed by Carlos Henriquez. (Attachments: # <u>1</u> Declaration In Support Of Omnibus Motion# <u>2</u> Exhibit A# <u>3</u> Exhibit B)(Buchwald, Don) (Entered: 11/08/2007)
11/08/2007	<u>88</u>	MEMORANDUM in Support by Carlos Henriquez re <u>87</u> MOTION for an order directing the Government to provide certain discovery and particulars to Henriquez and directing the Government to provide certain Brady materials to Henriquez.. (Buchwald, Don) (Entered: 11/08/2007)
11/16/2007	<u>91</u>	MEMORANDUM in Opposition by USA as to Pedro Guzman, Carlos Henriquez re <u>87</u> MOTION for an order directing the Government to provide certain discovery and particulars to Henriquez and directing the Government to provide certain Brady materials to Henriquez., <u>89</u> AMENDED MOTION for Release of Brady Materials Bill of Particulars and 404(b) Materials.. (Mole, Marissa) (Entered: 11/16/2007)
02/01/2008	<u>97</u>	Proposed Voir Dire Questions by Carlos Henriquez. (Attachments: # <u>1</u> Affirmation of Service)(Buchwald, Don) (Entered: 02/01/2008)
02/01/2008	<u>98</u>	Request To Charge by Carlos Henriquez. (Attachments: # <u>1</u> Affirmation of Service)(Buchwald, Don) (Entered: 02/01/2008)
02/04/2008	<u>99</u>	Proposed Voir Dire Questions by USA as to Carlos Henriquez. (Mole, Marissa) (Entered: 02/04/2008)
02/05/2008	<u>101</u>	Proposed Jury Instructions by USA as to Erick Martinez, Adriano Mejia, Pedro Guzman, Cynthia Ruiz, Carlos Henriquez. (LaVigne, Christopher) (Entered: 02/05/2008)
02/13/2008		Minute Entry for proceedings held before Judge Alvin K. Hellerstein: Change of Plea Hearing as to (S13-06-Cr-1014-05) Edwin Henriquez, a/k/a Carlos, held on 2/13/2008. Deft present w/atty Alan Kaufman; AUSAs, Marissa Mole and Christopher LaVigne; Court reporter Chris Sellin present; Deft withdraws previous plea of not guilty and enter plea of guilty to counts 1, 3, 5 to the S13 indictment; PSI Ordered; Sentencing set for 6/13/08 at 11:00 a.m. Deft continued remanded. (bw) (Entered: 02/25/2008)
02/13/2008		Change of Not Guilty Plea to Guilty Plea as to Edwin Henriquez (5) Count 1ss,3ss,5ss. (bw) (Entered: 02/25/2008)
02/13/2008		Minute Entry for proceedings held before Judge Alvin K. Hellerstein: Plea entered by Edwin Henriquez (5) Guilty as to Count 1ss,3ss,5ss. (bw) (Entered: 02/25/2008)
02/13/2008		Order of Referral to Probation for Presentence Investigation and Report as to Edwin Henriquez. (bw) (Entered: 02/25/2008)
02/13/2008		ORAL ORDER as to Edwin Henriquez. Sentencing set for 6/13/2008 at 11:00 AM before Judge Alvin K. Hellerstein. (bw) (Entered: 02/25/2008)
02/19/2008	<u>105</u>	TRANSCRIPT of Proceedings as to Erick Martinez, Adriano Mejia, Pedro Guzman, Cynthia Ruiz, Carlos Henriquez held on 11/26/07 before Judge Alvin K. Hellerstein. (jbe) (Entered: 02/19/2008)
03/10/2008	<u>106</u>	TRANSCRIPT of Proceedings as to Edwin Henriquez held on 2/13/08 before Judge Alvin K. Hellerstein. (ama) (Entered: 03/10/2008)

03/11/2008	<u>107</u>	TRANSCRIPT of Proceedings as to Edwin Henriquez held on 2/11,13, 2008 before Judge Alvin K. Hellerstein. (ama) (Entered: 03/11/2008)
03/17/2008	<u>109</u>	ENDORSED LETTER as to Edwin Henriquez addressed to Judge Hellerstein from Attorney Alan R. Kaufman dated 3/14/08 re: submitted regarding the govt's demanding the return of the 3500 material furnished to counsel in advance of the trial in this matter. ENDORSEMENT: On the basis of defense counsel's representation, the govt's motion is denied, w/out prejudice ot later renewal. (Signed by Judge Alvin K. Hellerstein on 3/17/08)(bw) (Entered: 03/17/2008)
06/18/2008		Minute Entry for proceedings held before Judge Alvin K. Hellerstein:Sentencing held on 6/18/2008 for Edwin Henriquez (5) Counts 1ss, 3ss, and 5ss. (ja) (Entered: 06/18/2008)
06/18/2008		DISMISSAL OF COUNTS on Government Motion as to Edwin Henriquez (5) Counts 1, 1s, 2, 3s, and 5s. (ja) (Entered: 06/18/2008)
06/18/2008	<u>112</u>	FILED JUDGMENT IN A CRIMINAL CASE as to Edwin Henriquez (5), Count(s) 1, 1s, 2, 3s, and 5s are dismissed on the motion of the U.S. The defendant Edwin Henriquez pleaded guilty to Count(s) 1ss, 3ss, and 5ss, Imprisonment: 120 months on counts 1ss and 3ss, and 60 months on count 5ss. The Court recommends to the Bureau of Prisons that the defendant be confined as close to NYC as possible to promote family visits and that the defendant participate in drug treatment program. Supervised Release: 5 years. SA: \$300.00. (Signed by Judge Alvin K. Hellerstein on 6/18/08)(ja) (Entered: 06/18/2008)
06/18/2008		Judgment entered in money judgment book as #08,1085 as to Edwin Henriquez in the amount of \$ 300.00, re: <u>112</u> Judgment. (dt) (Entered: 06/23/2008)
06/23/2008	<u>114</u>	NOTICE OF APPEAL by Edwin Henriquez from <u>112</u> Judgment. (CJA Appointed attorney). (nd) (Entered: 06/23/2008)
06/23/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet as to Edwin Henriquez to US Court of Appeals re: <u>114</u> Notice of Appeal - Final Judgment. (nd) (Entered: 06/23/2008)